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## MEMO ENDORSED

December 7, 2012

**Via Next Day Air**

Honorable Kenneth M. Karas  
United States District Judge  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Chambers 533  
White Plains, NY 10601

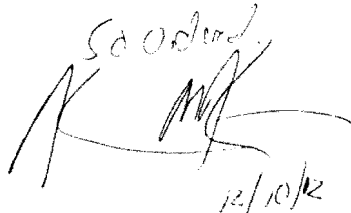
**RE: *Deskovic v. City of Peekskill, et al.*, 07-CV-8150 (KMK)(GAY)  
*McGarr v. City of Peekskill, et al.*, 07-CV-9488(KMK)(GAY)**

Dear Judge Karas:

I write on behalf of Plaintiff Jeffrey Deskovic in regards to Plaintiff's Motion to Compel a complete copy of the December 31, 1989 to December 31, 1990 insurance policy for the City of Peekskill issued by Zurich American Insurance Company ("Zurich"). That motion is document number 493 on the docket of this case. In light of Zurich's representation in its opposition to Plaintiff's motion that the documents produced to date "constitute all of the documents within Zurich's possession that comprise the Zurich Policy," see Third Party Def. Zurich American Insurance Company's Opp'n to Pl.'s Motion to Compel, dkt. 539 at 3; Plaintiff hereby withdraws his motion to compel without prejudice.

In light of Plaintiff's withdrawal,  
the Clerk is respectfully requested to  
terminate the motion (Doc #493).

cc: All counsel

So ordered.  
  
12/10/12

Respectfully submitted,

  
Nick Brustin